

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL SEAN PERKINS,
Plaintiff,

v.

SHARON A. OLIVER,
Defendant.

Case No. 21-12720
Honorable Shalina D. Kumar
Magistrate Judge David R. Grand

**ORDER OVERRULING PLAINTIFF’S OBJECTIONS (ECF NO. 49),
ADOPTING THE REPORT AND RECOMMENDATION (ECF NO. 47),
AND GRANTING DEFENDANT’S MOTION FOR SUMMARY
JUDGMENT (ECF NO. 37)**

I. Introduction

Plaintiff Michael Sean Perkins (“Perkins”), proceeding *pro se*, sued defendant Sharon Oliver, M.D. (“Dr. Oliver”) pursuant to 42 U.S.C. § 1983, alleging violations of his Eighth Amendment rights arising out of Dr. Oliver’s failure to provide Perkins with necessary colon surgeries while he was housed at the Michigan Department of Corrections’ Saginaw Correctional Facility (“SRF”). ECF No. 1. This case was referred to the magistrate judge for all pretrial matters pursuant to 28 U.S.C. § 636(b). ECF No. 6. Dr. Oliver

filed a motion for summary judgment which was fully briefed. ECF Nos. 37, 41-42.

On January 16, 2025, the assigned magistrate judge issued a Report and Recommendation (“R&R”). ECF No. 47. The R&R recommends that the Court grant Dr. Oliver’s motion for summary judgment and dismiss Perkin’s complaint for his failure to demonstrate that a question of material fact exists as to whether he satisfied the subjective component of his Eighth Amendment claim against Dr. Oliver. *Id.* The Court allowed Perkins to file a late objection. ECF No. 49.

II. Analysis

As noted in the R&R, “the parties to this action may object to and seek review of this Report and Recommendation but are required to file any objection within 14 days of service, as provided in the Federal Rule of Civil Procedure 72 (b)(2) and Local Rule 72.1(d).” ECF No. 47, PageID.624. “A failure to file timely objections not only waives the right to de novo review of a Magistrate Judge’s Report and Recommendation but dispenses with the need for the district court to conduct any review.” *Jones v. Warden, Ross Corr. Inst.*, 2013 WL 6230365, at *2, (S.D. Ohio Dec. 2, 2023) (citations omitted).

A party's failure to file objections to certain conclusions of the R&R waives any further right to appeal on those issues. See *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Likewise, the failure to object to certain conclusions in the R&R releases the Court from its duty to independently review those issues. See *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Absent "compelling reason," arguments or issues that were not presented to the magistrate may not be presented in objections to the R&R. *Murr v. United States*, 200 F.3d 895, 902 n.1 (6th Cir. 2000) (citing *United States v. Waters*, 158 F.3d 933, 939 (6th Cir. 1988)).

Moreover, objections must be clear so that the district court can discern those issues that are dispositive and contentious. In sum, the objections must be clear and specific enough that the court can squarely address them on the merits. And, when objections are merely perfunctory responses rehashing the same arguments set forth in the original petition, reviewing courts should review a Report and Recommendation for clear error.

Carroll v. Lamour, 2021 WL 1207359, at *2 (E.D. Mich. Mar. 31, 2021)

(internal citations, quotations, and marks omitted).

Perkins' objection merely reiterates the arguments he made to the magistrate judge in opposition to Dr. Oliver's motion and asks the Court to make an alternate conclusion. ECF No. 49. Because his objection fails to

challenge a specific finding or determination within the R&R, the Court overrules the objection.

III. Conclusion

The Court **OVERRULES** Perkins' objection (ECF No. 49). The Court has carefully reviewed the R&R for clear error and, finding none, **ADOPTS** the R&R (ECF No. 47) as the findings and conclusions of the Court and **GRANTS** Dr. Oliver's motion for summary judgment (ECF No. 37). Perkins' case is **DISMISSED WITH PREJUDICE**, and this matter is now closed.

IT IS SO ORDERED.

Dated: March 14, 2025

s/Shalina D. Kumar
SHALINA D. KUMAR
United States District Judge